

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael Yo-Yun Ho et al.	Examiner:	Thai Hoang
Serial No.:	09/965,419	Group Art Unit:	2668
Filed:	September 27, 2001	Docket:	P18421
Title:	METHOD AND APPARATUS FOR ENCODING INFORMATION		

Petition to Withdraw Holding of Abandonment under 37 CFR §181(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the present application, the Applicants petition to withdraw holding of abandonment under 37 CFR §181(a) as the above referenced application has gone abandoned due to nonreceipt of the Notice of Non-Compliant Amendment of February 27, 2006.

Applicants were not aware of the Notice of Non-Compliant Amendment until receiving a telephone call on February 28, 2007 from "Christine", who identified herself as a secretary at the USPTO, asking if this application was being abandoned. Upon receipt of the call, Applicants reviewed PAIR and downloaded a copy of the Notice of Non-Compliant Amendment.

Under the reasoning of *Delgar v. Shulyer*, 172 USPQ 513 (D.D.C. 1971) an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. MPEP §711.03(c)(I) provides that in such situations the petition to withdraw the holding of abandonment may be filed under 37 CFR 181(a) without payment of a fee.

Accordingly, the below signed practitioner, as representative for the Applicants, attests that he did not receive the Office Communication of February 27, 2006 and a search of the docket records indicates that such Communication was not received.

Included herein is a copy of the docket record where the nonreceived Notice of Non-Compliant Amendment would have been entered had it been received. Note that the docket reflects that the Office Action mailed on February 27, 2006 was not received until March 1, 2007, when the applicant obtained a copy from PAIR after receiving the phone call from the USPTO.

Accordingly, the Applicant believes that all requirement set forth by 37 CFR 181(a) and MPEP §711.03(c)(I)(a) have been met. Therefore the Applicant respectfully requests that the holding of abandonment be withdrawn in the present case. In addition, a response to the Notice of Non-Compliant Amendment of February 27, 2006 is being filed separately herewith.

Should any additional fees, not otherwise provided herein, be required please charge or credit Deposit Account No. 50-2121.

Respectfully Submitted,

By: /Edmund P. Pfleger/

Edmund P. Pfleger
Attorney for Applicant
Reg. No. 41,252

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Title: METHOD AND APPARATUS FOR ENCODING INFORMATION

Type: Utility - CIP

Legal: Intelivest

PIP ID: 195106

Status: Pending

Date Filed: Sep 27, 2001

Serial#: 09565.419

Classification: SPOT

File #: P18421

Country: United States of America PTO

Legal File #: 00107.548US1

Publication Date:

Matter Entity Size: Large

Issue Date:

Portions:

Filed By:

Created by: Shawn Mac, Jul 28, 2006 Modified By: Intel Low Overhead Firm

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<input type="checkbox"/>	<u>Non-Compliant Amendment Response (Deniable)</u>		Open Docket Items	Non-Compliant Response Due - Final Deadline: 09/27/2005			Edit	-- Add --
<input type="checkbox"/>	<u>Notice of Non-Compliant Amendment Received</u>	Notice of Non-Compliant Amendment Received	Completed	Date Mailed: 02/28/2006	Date Received: 02/28/2007		Edit	-- Add --
<input type="checkbox"/>	<u>Office Action Response</u>		Completed	Date Done: 01/17/2006	Postcard Received: 01/19/2006		Edit	-- Add --
<input type="checkbox"/>	<u>Office Action Received</u>	Non-Final Office Action Received	Completed	Date Mailed: 10/11/2005	Date Received: 10/26/2005		Edit	-- Add --

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